

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
DECEMBER 11, 2014

The regularly scheduled meeting of the Indian Lake Borough Council was held on December 11, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President
Paul Cornez
Lynn Shimer
Charles McCauley
Robert Marhefka
Robert Hanson
Terry St. Clair
Attorney Daniel Rullo, Solicitor
Theresa L. Weyant, Borough Manager/Secretary
David Wood, Zoning Officer
Sean Isgan, CME Engineering

THOSE ABSENT:

Visitors – Richard Stern, Don Reed, Ken Helsel, Dave Erimias, Mike Marshall, Curt Morgese, and Ronald Petrina.

The meeting was called to order at 7:00 P.M. by Patty Dewar, President.

ORDER OF BUSINESS

1. Approve the Minutes of the Public Hearing Held on November 13, 2013 - Dewar asked for additions and/or corrections. There being none, Hanson made a motion to approve the minutes as submitted. MCCAuley seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on November 13, 2013 - Dewar asked for additions and/or corrections. There being none, Hanson made a motion to approve the minutes as submitted. McCauley seconded the motion. All ayes, motion carried.

2. Financial Reports - Dewar made a motion to approve the Borough's Financial Reports and to pay the outstanding bills. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the Water Works Financial Reports and to pay the outstanding bills. Shimer seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the Sewer Financial Reports and to pay the outstanding bills. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the Summary of Account Balance Report as presented. Shimer seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Richard Stern, Don Reed, Ken Helsel, Dave Erimias, Mike Marshall, Curt Morgese, and Ronald Petrina.

4. Dave Wood's Report:

A. Complaint in Pawnee Park – Dave Wood, Zoning Officer for Indian Lake Borough, informed Council that he received a complaint from another resident concerning a sea wall that David Erimias built in Pawnee Park onto Borough Property. As everyone is aware, each property owner in a park lot owns 25 feet and the Borough also owns one (1) 25 foot lot in each of these parks throughout the Borough. Mr. Erimias owns the lot beside the Borough and applied for and received a permit to replace his 40 foot sea wall on Pawnee Park Lot No. 1 and as a result, 15 feet of this sea wall is on Borough property. Mr. Wood stated that Dean Snyder and himself reviewed the records and couldn't find where the original permit for the sea wall was ever issued. Mr. Erimias did submit his paperwork to the Borough's for the GP-11 permit and that paperwork did show the existing 40 foot 5 inch sea wall. Council felt that at this time they have no reason to care that their park lot has been improved. McCauley made a motion to authorize Dave Wood to send a letter to Mr. Erimias informing him that 15 feet of his sea wall is on Borough property and that the Borough will allow him to continue using the sea wall, however, the Borough is exerting its ownership of said lot and that the Borough is not relinquishing any rights to the property and if for whatever reason the sea wall needs to be removed,

it will be removed at Mr. Erimias's expense. Mr. Erimias is not permitted to place his dock nor his boat on Borough property. Hanson seconded the motion. All ayes, motion carried.

Dewar asked Sean Isgan, from CME Engineering, about the ruts and the damage that was done to the dam during the Department of Environmental Protection's inspection. Isgan stated that CME Engineering will pay to get the damage fixed in the spring of 2014.

5. Environmental Report:

A. Shoshone Park – Sean Isgan, from CME Engineering, stated that he went out with Lynn Shimer to look at the situation at Calendar's Run in Shoshone Park. The Borough has three options available to them. 1) Relocate the stream channel so that the water flows into the sediment ponds. The sediment ponds will need to be dredged and the area in front of Shoshone Park will still need to be dredged. The approximate cost for the permitting will be \$10,000. 2.) Continue dredging the channel and the sediment ponds. 3) Build sediment ponds at each stream channel and dredge those out. Council asked Isgan to provide Council with a proposal to continue working with the Environmental Committee to come up with a solution to best mitigate the ongoing problem and to possibly work with Keith Largent from Soil Conservation. Dewar asked that Shimer contact Mr. Stepanovich, Mr. McGowan, and Mr. Williams and inform them that the Borough is working with our engineer to try to find a more permanent solution to help mitigate the problem but this won't be an easy fix and it will take some time.

6. Dam Report:

A. Water Line Completion - Cornez reported that the Department of Environmental Protection inspected the waterline and they requested as built drawings, which CME has provided that to them. To date, there has not been any correspondence from the DEP on the final certification of Phase III.

B. Damage to Lichtenfels Foundation - Cornez informed Council that the inspection on November 16th was cancelled due to the Lichtenfels having a finished basement and they didn't want to tear up the walls to do the inspection.

7. Correspondence:

A. Resignation of Paul Cornez from the Indian Lake Borough Planning Commission – Paul Cornez submitted his letter of resignation from the Indian Lake Borough Planning Commission effective immediately. Council regretfully accepted his letter of resignation and thanked him for his years of service.

B. Resignation of Jerry Mostoller as the Borough's Sewage Enforcement Officer – Mr. Mostoller submitted his letter of resignation as the Borough's Sewage Enforcement Office, effective January 1, 2014. Dewar stated that she would send a letter thanking him for his years of service and will ask if there are any outstanding issues that the Borough should be aware of. Council asked Robert Hanson to contact Reggie Musser to see if he would be interested in this position. Hanson noted that there is a list of approved SEO's in the County and CME Engineering also has approved SEO's.

8. Committee Reports:

A. Finance Report:

1. Adoption of the 2014 Proposed Budget - McCauley made a motion to adopt the proposed 2014 budget, which totals \$1,421,286.00, as advertised and presented. St. Clair seconded the motion. All ayes, motion carried.

2. Set Millage Rate and all other Borough Taxes for 2014 – McCauley made a motion to set the millage rate at 19.3 mills and for all the other Borough taxes to remain the same for 2014. Cornez seconded the motion. All ayes, motion carried.

3. Adoption of Tax Rate Ordinance No. 167 - Dewar made a motion to adopt the 2014 Tax Rate Ordinance No. 167 as presented and advertised. Hanson seconded the motion. All ayes, motion carried.

4. Principle Payment to Line of Credit – The Finance Committee is recommending that the Borough make a payment in the amount of \$100,000.00 towards the principle on the Line of Credit with Somerset Trust Company and on the loan with 1st Summit Bank. Any action on this issue was tabled until after Executive Session.

5. Shanksville Volunteer Fire Department 2014 Fire Protection Agreement – Hanson made a motion to authorize the Council President to send the letter to the Shanksville Volunteer Fire Department as presented. Shimer seconded the motion. All ayes, motion carried.

6. 2013 Donation to the Shanksville Volunteer Fire Department – St. Clair made a motion to remit the Borough’s 2013 donation to the Shanksville Volunteer Fire Department, in the amount of \$10,500.00. Hanson seconded the motion. All ayes, motion carried.

7. Request for Donation from the Children’s Aid Home and The Humane Society of Somerset County – Shimer made a motion to make a \$50.00 donation to the Children’s Aid Home and the Humane Society of Somerset County. Hanson seconded the motion. 5-ayes and 2-nayes. Motion carried. Both of these organizations do support the Borough.

B. Police Report: Upon a request from the Mayor, Council authorized the Borough Manager to purchase 3 signs which say that the lake is closed for all recreational activities by the order of the mayor, fines imposed.

C Water & Sewer Report:

1. William T. Kitsko Living Trust, Peninsula 969- Sewage Facilities Planning Module - Hanson made a motion to adopt the Resolution for Plan Revision for New Land Development for William T. Kitsko Living Trust located at Peninsula #969 and to authorize the Borough Secretary to execute the documents. St. Clair seconded the motion. All ayes, motion carried.

D. Police Report

1. Police Hours - Mayor Miscoe informed Council that he will be about 15 hours over budget for the year.

2. Emergency Dam Water Release Procedures – Mayor Miscoe presented each Council member a draft copy of the Emergency Dam Water Release Procedures

3. New Computer – Mayor reported to Council that he will have a new computer with a Wi-Fi card, monitor, and a multi-function printer, fax and scanner for the Police Department by the end of the year for a total cost of \$800.00.

9. Old Business: None.

10. New Business:

A. Expiring Terms of Planning Commission Member and Zoning Hearing Board Member and Alternate Member – On the Planning Commission, Tom O’Toole’s term will expire on December 31, 2013 and this seat is a four (4) year term and Forrest Schucker and Donald Newman’s term expire on December 31, 2013, and those are both a three (3) year term. Council asked that the Borough Secretary contact each of them to see if they are interested in being re-appointed and members should come prepared with some names to fill the vacant seat on the Planning Commission due to the resignation of Paul Cornez.

B. Set Meeting Time for Re-Organizational Meeting - The Re-organizational Meeting of the Indian Lake Borough Council will be held on January 6, 2014 at 7:00 P.M plus Council will hold their regular monthly meeting.

11. Public Comment: None.

Hanson made a motion to move into Executive Session to discuss potential litigation matters at 9:04 P.M. McCauley seconded the motion. All ayes, motion carried.

At 9:55 P.M. Council returned to Regular Session.

Hanson made a motion to authorize the Borough Secretary to make a payment in the amount of \$100,000.00 towards the principle on the Line of Credit with Somerset Trust Company and on the loan with 1st Summit Bank subject to final confirmation of the effect of the payment with Somerset Trust Company and to authorize the Council President to make that determination. St. Clair seconded the motion. All ayes, motion carried.

McCauley made a motion to authorize Attorney Rullo to contact the legal counsel for LCT Energy and invite them to make their presentation to the full Council at the January 6th meeting at 7:30 PM. Hanson seconded the motion. All ayes, motion carried.

With no further business to discuss, Shimer moved and McCauley seconded to adjourn the meeting at 10:00 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on January 6, 2014 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager